

NELSON P. COHEN  
United States Attorney

GARY M. GUARINO  
Assistant U.S. Attorney  
222 West Seventh Avenue, #9  
Anchorage, Alaska 99513-7567  
Phone: (907) 271-5071  
Fax: (907) 271-2344  
E-mail: [gary.guarino@usdoj.gov](mailto:gary.guarino@usdoj.gov)

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

KIMBERLY ALLEN, Personal  
Representative of the Estate of TODD  
ALLEN, Individually, on Behalf of the  
Estate of TODD ALLEN, and On Behalf  
of the Minor Child, PRESLEY GRACE  
ALLEN

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:04-cv-0131-JKS

**UNITED STATES' NOTICE  
REGARDING  
SUPPLEMENTAL BRIEFING  
FOR MOTION FOR  
MISCELLANEOUS RELIEF**

Pursuant to the Court's Order granting the parties Stipulation [Docket  
130], the parties were to file any supplemental briefs regarding Plaintiff's claims

for non-economic damages on October 9, 2007. The parties submitted their initial briefing and arguments regarding Plaintiff's claims at Docket 123 and Docket 125. The supplemental briefing was intended to allow each party to respond to the issues and arguments raised in the opposing party's initial briefing.

However, Plaintiff's counsel has now informed Defendant's counsel that Plaintiff intends to file a brief (or a separate motion) that will raise new or revised arguments and requests for relief regarding Plaintiff's claims for damages. Since Plaintiff did not present these arguments in the initial briefing, Defendant has not had an opportunity to review or respond to these arguments. At this point, counsel for Defendant does not know with any certainty what specific issues and request for relief will be presented in Plaintiff's supplemental brief. From the information provided by Plaintiff's counsel, it appears that Plaintiff may be withdrawing some of the claims and issues argued in Plaintiff's initial briefing.

As a result, Defendant is faced with the prospect of filing a supplemental brief that will be irrelevant because it will address claims that Plaintiff is no longer arguing and it will be unable to address the new claims that Plaintiff is raising for the first time in her supplemental briefing. Therefore, Defendant respectfully requests that it be given a reasonable period of time, beyond October 9, 2007, to file its response to any new claims or requests for relief that may be asserted in

Plaintiff's supplemental briefing or motion.

RESPECTFULLY SUBMITTED on October 9, 2007, in Anchorage,  
Alaska.

NELSON P. COHEN  
United States Attorney

s/ Gary M. Guarino  
Assistant U.S. Attorney  
222 West 7th Ave., #9, Rm. 253  
Anchorage, AK 99513-7567  
Phone: (907) 271-5071  
Fax: (907) 271-2344  
E-mail: [gary.guarino@usdoj.gov](mailto:gary.guarino@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2007,  
a copy of the foregoing **UNITED STATES'**  
**NOTICE REGARDING SUPPLEMENTAL**  
**BRIEFING FOR MOTION FOR**  
**MISCELLANEOUS RELIEF** was served  
electronically on Donna McCready.

s/ Gary M. Guarino